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Michele Esch
Executive Director
REE Advisory Board Office
Jamie L. Whitten Building, Room 332A
1400 Independence Avenue, SW
Washington, DC 20250

Dear Ms. Esch:

On behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA), thank you for the opportunity to comment on the Agricultural Research Service (ARS) Animal Handling and Welfare Review Panel's ("the panel's") report on its visit to five ARS animal research facilities. We appreciate ARS's increased attention to animal welfare and support the panel's recommendations with some additions. The most recent report reveals that the ingrained problems found at the USMARC facility—lack of training, ignorance of and noncompliance with IACUC requirements, insufficient channels for whistleblowers—are also present at other ARS facilities. ARS still needs to provide sufficient guidance to its animal research facilities regarding animal welfare compliance and, as a result, the agency's standards remain unclear and welfare continues to be an afterthought.

It is clear from the panel's recommendations that animal welfare is a secondary consideration in ARS sponsored research and in ARS culture. Just as the panel found at USMARC, ARS's IACUCs do not function correctly and have insufficient guidance regarding their responsibilities. Finding 1 states "The panel...has noted inconsistencies in the understanding of the roles, expectations, and functioning of the IACUC and its members." Further, the panel found a lack of training and insufficient or non-existent procedures for whistleblowers at the facilities. These are the issues that likely engendered the abuses at USMARC. ARS has not provided leadership, education, or clear policy directives regarding IACUC function or animal welfare generally.

Even the review panel appears confused about ARS policies and procedures. The report contains multiple references to IACUCs being compliant with ARS policies and procedures, however the

panel documents many problems with IACUC compliance. A facility that fails to comply with IACUC requirements is not compliant with ARS policies. ARS Policy 130.4 says “It is ARS policy: To include all vertebrate animals used...under the IACUC overview provisions outlined in 9 CF 2C (AWA).” **In its final report, the panel should summarize the understanding of the ARS policies and procedures under which it is operating.**

ARS Policy 130.4 and Directive 635.1 constitute the extent of ARS animal welfare policies. These documents were put in place 13 years ago. They are cursory, vague, inconsistent, and never enforced. It is no wonder the panel found inconsistency and confusion among ARS IACUCs. The ARS administration must provide clear, in-depth guidance to all research facilities explicitly stating that every facility must comply with the requirements of the Animal Welfare Act.

The panel’s discovery of confusion among researchers and IACUCs is likely just the tip of the iceberg because the report does not reveal whether panelists conducted a thorough records review at each facility. The IACUC provisions of the AWA require extensive documentation by researchers—who must justify in writing the species and number of animals used, that the study is not duplicative, that the researcher considered alternatives to live animals, and any changes made to protocols over the duration of a study—and by IACUC members—who must review research protocols, justifications, and changes, and document any significant animal welfare deficiencies twice a year. An APHIS-Animal Care inspection of a research facility typically consists of an unannounced inspection of the physical site and a multi-day review of IACUC records and research protocols. Although the report refers to the need for “more robust justifications” for the number of animals used at one particular facility, it is difficult to tell whether the review panel did not inspect documentation or whether these records simply don’t exist at every facility visited. **In its final report, the panel should explain how it selected the five facilities and describe the extent of its records review at each.**

In addition to failing to provide adequate instruction on roles and responsibilities, the report shows that ARS does not value time spent on animal welfare. Finding 2 states that at many research facilities “the time required to perform [IACUC] oversight functions is not considered when evaluating research output.” IACUC responsibilities and participation do not appear to be considered a priority at ARS research facilities. One notable exception is the Livestock Behavior

Research Unit in Indiana which seems to be totally integrated with Purdue University. As a major research university, Purdue is experienced with the AWA's IACUC requirements and is AAALAC accredited. The relationship with Purdue has clearly informed and elevated ARS's typical mode of operation.

ARS headquarters should demand a level of compliance with animal welfare research standards equal to the best research university. The agency has not provided the guidance, oversight, or infrastructure to do this. Finding 4 identifies the need for sharing best practices among facilities. Welfare policies, training, best practices and enforcement should originate from ARS headquarters. We support the panel's recommendations that ARS clarify its policies, educate researchers about AWA compliance and IACUC duties, and make animal welfare an integral part of job duties at every ARS facility.

Additionally, we recommend that the panel urge ARS to:

- Clarify that its policies and procedures require compliance with the Animal Welfare Act and ensure that each facility is aware of this requirement.
- Formulate and disseminate new, clear policies and procedures on animal welfare in consultation with APHIS-Animal Care and provide training to all ARS researchers on the new policies.
- Register every ARS animal research facility with APHIS and institute unannounced APHIS-Animal Care annual inspection at every ARS animal research facility.
- Institute strong oversight of animal welfare compliance at the level of the Administrator's office to ensure accountability throughout facilities.

Thank you very much for your consideration.

Sincerely,



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